

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY,

Plaintiff,

-against-

MAHADEO SINGH, SHOBA SINGH a/k/a
PADMOUTIE SINGH, individually and as
administrator of the estate of Sheldon
Singh, and ADAM ABBAS,

Defendants.
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AZRACK, United States District Judge:

For Online Publication Only

ORDER
19-CV-01853 (JMA) (ST)

**FILED
CLERK**

8/31/2022 3:15 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

On April 1, 2019, Plaintiff Allstate Insurance Company commenced this action against Defendants Mahadeo Singh; Shobha Singh a/k/a Padmoutie Singh, individually and as administrator of the estate of Sheldon Singh; and Adam Abbas. (ECF No. 1.) Plaintiff seeks a declaratory judgment that it has no duty to defend or indemnify Sheldon Singh in an underlying personal injury action pursuant to an insurance policy issued by Plaintiff. On February 2, 2022, Plaintiff filed a motion for summary judgment, which the Court referred to Magistrate Judge Steven Tiscione for a report and recommendation (“R&R”). (ECF No. 28; Electronic Order dated April 29, 2022.) In a R&R issued on August 12, 2022, Magistrate Judge Tiscione recommends granting Plaintiff’s motion. (ECF No. 32.) No objections have been filed and the time for doing so has since passed. For the reasons stated below, the R&R is adopted in its entirety.

“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” Smith v. Campbell, 782 F.3d 93, 102 (2d Cir. 2015) (quoting Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002)); see also Phillips v. Long Island R.R. Co., 832 F. App’x 99, 100 (2d Cir. 2021) (same). In the absence of any objections, “the district court

need only satisfy itself that there is no clear error on the face of the record.” Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (internal citations omitted).

The Court has reviewed the record and the unopposed R&R for clear error and, finding none, hereby adopts Magistrate Judge Tiscione’s R&R in its entirety as the opinion of the Court.

Accordingly, Plaintiff’s motion for summary judgment is GRANTED. The Clerk of Court is respectfully directed to enter a declaratory judgment providing that Plaintiff has no duty to defend or indemnify Sheldon Singh in an underlying action filed in New York Supreme Court, Suffolk County (Index No. 606163/2017). The Clerk of Court shall thereafter close this case.

SO ORDERED.

Dated: August 31, 2022
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE